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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2078 OF 2006
IN
SUIT NO.1619 OF 1989

M/s.Walia Construction Co. ... Plaintiff

V/s.

Ashok Raghunath Jukar & Ors. ... Defendants

Mr.V.Mannadiar for Plaintiff
Mr.V.K. Damle for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 6, 2006**

P.C.:

. This Motion has been taken out for setting aside the order dated 24.6.2006 wherein this Court directed that the suit should proceed against the Defendants without their written statement. The Defendant No.1 has stated in the affidavit in support of the Motion that the written statement was declared on 28.11.2001 by him but it got mixed up with the papers of other suits between the parties filed in the City Civil Court, the Small Causes Court and in criminal case filed by the police authorities at the instance of the Defendants.

2. The Defendants contend that they have already served their written statement on the plaintiff. In these circumstances, in my view, the written statement can be accepted. The Defendants have made a out a exceptional circumstances in the affidavit in support of

the Motion. Therefore, the written statement is accepted subject to payment of costs of Rs.5,000/- (Rupees Five thousand only) to the Maharashtra State Legal Services Authority within two weeks from today.

3. Notice of Motion is disposed off accordingly.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2038 OF 2006
IN
SUIT NO.1619 OF 1989

M/s.Walia Construction Co. ... Plaintiff

V/s.

Ashok Raghunath Jukar & Ors. ... Defendants

Mr.V.Mannadiar for Plaintiff
Mr.V.K. Damle for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 6, 2006**

P.C.:

. In view of the disposal of Notice of Motion No.2078 of 2006 today, nothing survives in this Motion and is disposed off accordingly.